



# COASTAL APPEALABLE FORM

SAN LUIS OBISPO COUNTY DEPARTMENT OF PLANNING AND BUILDING

976 OSOS STREET • ROOM 200 • SAN LUIS OBISPO • CALIFORNIA 93408 • (805) 781-5600

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#929

Please Note: An appeal should be filed by an aggrieved person or the applicant at each stage in the process if they are still unsatisfied by the last action.

## PROJECT INFORMATION

Name: PHILLIPS 66 COMPANY File Number: DRC 2012-00095

Type of permit being appealed:

- ☐ Plot Plan ☐ Site Plan ☐ Minor Use Permit ☒ Development Plan/Conditional Use Permit  
☐ Variance ☐ Land Division ☐ Lot Line Adjustment ☐ Other: \_\_\_\_\_

The decision was made by:

- ☐ Planning Director (Staff) ☐ Building Official ☐ Planning Department Hearing Officer  
☐ Subdivision Review Board ☒ Planning Commission ☐ Other: \_\_\_\_\_

Date the application was acted on: \_\_\_\_\_

The decision is appealed to:

- ☐ Board of Construction Appeals ☐ Board of Handicapped Access  
☐ Planning Commission ☒ Board of Supervisors

## BASIS FOR APPEAL

☒ INCOMPATIBLE WITH THE LCP. The development does not conform to the standards set forth in the Certified Local Coastal Program of the county for the following reasons (attach additional sheets if necessary)

Explain: PLEASE SEE ATTACHED LETTER.

☒ INCOMPATIBLE WITH PUBLIC ACCESS POLICIES. The development does not conform to the public access policies of the California Coastal Act – Section 30210 et seq of the Public Resource Code (attach additional sheets if necessary).

Explain: PLEASE SEE ATTACHED LETTER.

List any conditions that are being appealed and give reasons why you think it should be modified or removed.

Condition Number \_\_\_\_\_ Reason for appeal (attach additional sheets if necessary)

## APPELLANT INFORMATION

Print name: JEFF EDWARDS

Address: P.O. BOX 6070 LOS OSOS CA 93412 Phone Number (daytime): (805) 235-0873

I/We are the applicant or an aggrieved person pursuant to the Coastal Zone Land Use Ordinance (CZLUO) and are appealing the project based on either one or both of the grounds specified in this form, as set forth in the CZLUO and State Public Resource Code Section 30603 and have completed this form accurately and declare all statements made here are true.

Signature \_\_\_\_\_

Date 10/6/16

## OFFICE USE ONLY

Date Received: 10/6/2016

Amount Paid: 0

By: NAD

Receipt No. (if applicable): N/A

**J. H. EDWARDS COMPANY**  
A REAL PROPERTY CONCERN

October 6, 2016

San Luis Obispo County Board of Supervisors c/o Planning Department

Re: Request by PHILLIPS 66 Company for a Development Plan / CDP DRC2012-00095

Attention: Ryan Hostetter; Project Manager

Dear Ms. Hostetter,

As you know, the Planning Commission denied the above referenced project on October 5, 2016. As you are also aware, I submitted a letter in connection with the subject application dated September 29, 2016 for consideration by the Planning Commission.

I do hereby appeal the decision rendered by the Planning Commission on that date. I respectfully submit the decision failed to secure needed vertical public access to adequately implement Coastal Zone Land Use Ordinance (CZLUO) Section 23.04.420-Coastal Access.

By denying the project, the Planning Commission failed to establish needed conditions, especially one to address the vertical public access. Specifically, a vertical public access is needed to establish a replacement entrance to the Oceano Dunes State Vehicular Recreation Area (ODSVRA) which is currently provided at Pier Avenue in Oceano. The "temporary" Pier Avenue entrance was established in 1982 when the CDP was approved for the ODSVRA by the California Coastal Commission.

Please consider three (3) points of contention to be considered in connection with the provision of vertical public access subject appeal:

1. CZLUO Section 23.04.420 d.(2)-Vertical access dedication. The minimum width of 10-feet for the vertical access is inadequate. An Offer of Dedication can be reduced in width; however it cannot easily be enlarged in the future. Consequently I recommend a 100-foot wide offer of dedication (OTD) plus ODSVRA staging area as a condition of approval.
2. CZLUO Section 23.04.420 e.-Timing of access requirements. I am proposing a Condition of Approval that requires an offer to dedicate (OTD) of land only that may be accepted in the future by a State agency in connection with the adjacent ODSVRA.

**J. H. EDWARDS COMPANY**  
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Condition #17 from the Throughput Project requires the applicant to dedicate and construct improvements to be determined. I submit an (OTD) as suggested in contention #1 above would fulfill the requirements for coastal access by the applicant without any continued obligation to plan, design, construct and/or maintain the vertical coastal public access. As a result, it makes the ten (10) year provision currently in condition #17, moot. Moreover, by requiring only an (OTD), it creates a greater certainty relative to the obligations of the applicant in the future. Requiring more than a dedication of land may exceed the thresholds contemplated for "rough proportionality" with regard to exactions and dedications under State law.

3. CZLUO Section 23.04.420 k.-Sighting [sic] criteria for coastal access.  
Presently, Condition #17 for the Throughput project requires the access follow the existing maintenance road of approximately 7,500 linear feet. I agree that the public access should be conterminous with the existing maintenance road to minimize potential environmental effects; therefore the siting has been predetermined. With regard to the intensity of use, the 100-foot wide access likely would be sufficient to accommodate any number of uses including, but limited to, pedestrian, equestrian, bicycle, emergency and off-highway vehicle access to the adjacent ODSVRA.

Finally, as staff and the Board of Supervisors consider the subject appeal and the establishment of conditions, please replace condition #17 for the Throughput Project with a new condition for Vertical Coastal Access as suggested above. Also, please include additional a finding to support the changed condition of approval.

My understanding is the hearing before the Board of Supervisors will be de novo. Notwithstanding this fact, my intention is not to oppose the project but to ensure that the approval provides the optimal situation to effectuate vertical public access to the coastline at this location. Given the Coastal Act issues raised herein there is no fee applicable to the subject appeal.

Please feel free to contact me with any questions you may have.

Sincerely,

*Jeff Edwards*

Jeff Edwards

Attachment: Coastal Appealable Form